IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 18725 of 2004

Between:

A.V.K. Prasad, S/o. S. Sarma, aged 40 years,
R/o. Ponnur, Guntur District.

..... PETITIONER

AND

1. A.P.S.R.T.C. Rep by its Vice-Chairman and Managing Director, Musheerabad, Hyderabad.
2. The Depot Manager, A.P.S.R.T.C., Ponnur Depot, Ponnur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or directions, more in the nature of Writ of Mandamus declaring the Office Order No. Steno/95(39)/2003-PNR dated 3-4-2004 as illegal and arbitrary and set aside the same with all consequential benefits including arrears.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondents: MR.R.M.REDDY

The Court made the following:

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ORDER:

The petitioner worked as a Conductor in the respondent Corporation. A check was held on the bus conducted by him on 28.06.2003 and he was issued a charge sheet on 11.08.2003. After conducting an enquiry, final orders were passed on 03.04.2004 withholding his annual increment for a period of one year with cumulative effect. The petitioner preferred an appeal before the Divisional Manager on 05.04.2004 and it is pending with him.

2. The petitioner having chosen to exhaust the remedy available under the Regulations, and during pendency of the appeal preferred him, approached this Court, through this writ petition.

3. Since the petitioner preferred an appeal against the order of the 2nd respondent, he is not entitled to maintain parallel proceedings through this writ petition. If the petitioner is so aggrieved by the orders of the appellate authority, he is at liberty to seek appropriate relief before the appropriate Forum.

4. The Writ Petition is, accordingly, dismissed. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Vice Chairman and Managing Director,

APSRTC, Musheerabad, Hyderabad

2. The Depot Manager, APSRTC,

Ponnur Depot, Ponnur, Guntur District

3. Two CD copies.